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John L. Haack
MERCHANT & GOULD
P.O. Box 2903
Minneapolis, MN 55402-0903

09 JUL 2007

In re Application of	:	DECISION ON
BRADLEY et al	:	
Application No.: 10/575,061	:	
PCT No.: PCT/GB2004/004313	:	
Int. Filing Date: 11 October 2004	:	PETITION UNDER
Priority Date: 09 October 2003	:	
Attorney Docket No.: 15271.0012USWO	:	
For: MEASUREMENT OF MELTING POINTS OF	:	
SAMPLES	:	37 CFR 1.181

This decision is in response to applicants' "executed declaration" filed on 21 February 2007 with the correct name of the second inventor as Jean Francois THABURET. This is being treated as a petition under 37 CFR 1.182.

BACKGROUND

On 11 October 2004, applicants filed international application No. PCT/GB2004/004313, which claims a priority date of 09 October 2003.

On 07 April 2006, applicant filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee, but no executed declaration.

On 30 November 2006, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, *inter alia*, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it: is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

On 21 February 2007, applicants filed an executed declaration. In the declaration section pertaining to the second named inventor, the name Jean Francois THABURET appears; this name did not appear in the international application which is Jeff Francois THABURET.

DISCUSSION

It is unclear from the submission whether the corrected name is due to a name change or a typographical error since applicant has provided no explanation. Therefore, the declaration of the inventors is not acceptable at this time, in that the name of the named inventor, Jean Francois THABURET, does not correspond to that set forth in the international application, Jeff Francois THABURET.

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

Applicant must provide items (1) and (2) for consideration. Alternatively, applicants may provide a showing that the name change was effected in accordance with PCT Rule 92Bis prior to the filing of the present national stage application.

Also, in the case where there is no change name of the individual but an incorrect name was given, a petition under 37 CFR 1.182 should be filed requesting correction of applicant's name.

In this instance, applicants have not provided the petition fee and have not explained the reason for the name change.

If, however, the name change is due to a typographical error then applicant needs to state and explain it by filing a petition under 37 CFR 1.181. If filed under 37 CFR 1.181 the reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181."

In addition, the declaration of the inventors is not acceptable at this time, in that the name of the second named inventor has been improperly altered to reflect the correct second inventor's first given name. Applicants have provided a defective declaration because there are alterations on it - lines across the information on it. Any alternation made after the signing of an oath or declaration must be supported by a supplemental oath or declaration under §1.67. Note 37 CFR §1.52.

A proper response to this decision is a new oath or declaration in compliance with 37 CFR 1.497 with the correct spelling of the second inventor's given name.

For the reasons above, the application may not enter into national stage processing at this time.

CONCLUSION

The petition under 37 CFR 1.182 is **DISMISSED**, without prejudice.

A proper response to the Notice must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182". Failure to timely file the proper response will result in ABANDONMENT.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

A handwritten signature in black ink, appearing to read 'R. Bacares', is positioned above the printed name.

Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 272-0459